

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1140

Introduced by Senator Yee
(Principal coauthor: Senator Oropeza)
(Coauthor: Assembly Member Jones)

February 18, 2010

An act to amend Section 2107 of, and to add Article 4.5 (commencing with Section 2170) to Chapter 2 of Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as amended, Yee. Voter registration: *one-stop voting*.

Existing law establishes procedures regarding the registration of voters. Under existing law, a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to the election. Existing law permits any registered voter to vote by a vote by mail ballot, and further permits any voter using a vote by mail ballot to vote the ballot at the office of the elections official beginning 29 days before the election.

This bill would establish one-stop voting where a person would be permitted to register to vote and immediately vote on election day or at any time prior to election day when ballots may be cast. The bill would require a voter, in order to register and vote by means of one-stop voting, to visit a location at which one-stop voting is available, to present proof of identity and current residence, as specified, and to complete an affidavit of registration. Upon completing that registration, the voter would be immediately eligible to vote by regular ballot. If the voter is

unable to complete that registration because the voter is unable to present proof of identity or proof of current residence, the voter would be permitted to register and vote by ~~a vote by mail~~ *provisional* ballot. The bill would require each county elections official to compile an index of voters who register to vote by one-stop voting. After the official canvass of the votes for that election is completed, the elections official would be required to review the names on the index and cancel duplicate registrations. The elections official would be required to send a voter registration form to every person who properly registered to vote by one-stop voting, and those persons would be registered for future elections *at the address that the voter declared for purposes of voter registration*. The elections official would be required to notify the district attorney and the Secretary of State if it appears that a person has engaged in fraudulent voting. The bill would require that one-stop voting be available at every permanent office of a county elections official beginning in 2011, ~~at every location in each county at which early voting is available beginning in 2012, and at every polling place at which VoteCal, as defined, is available, provided that there is.~~ *Commencing in 2013, if VoteCal, as defined, is approved by the Secretary of State for use at polling places, each county would be required to establish at least one location for every 100,000 electors, beginning in 2013 or ensure that every voter residence is within 10 miles of such a site.* In addition, the bill would require that each location at which one-stop voting is available have a separate area for the process and have at least one precinct board member who is trained in one-stop voting. The bill would further require the Secretary of State and local elections officials to make efforts to educate voters about one-stop voting. The bill would authorize the Secretary of State to adopt appropriate regulations to implement one-stop registration and voting.

By creating new duties for local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) It is a fundamental principle of the United States that the people shall have access to our systems of democracy without barriers to their participation.

(b) California currently ranks 41st out of 50 states in voter turnout.

(c) *At the November 4, 2008, statewide general election, California experienced its largest voter turnout, as well as the greatest number of persons—798,332—who cast provisional ballots because of uncertainty about their registration status. While 82 percent of those provisional ballots were ultimately counted, the county investment of staff overtime and resources to process these ballots was enormous. At the same time, a significant portion of the provisional ballots that were not counted resulted from the failure to timely register. One-stop registration and voting would help alleviate the staff overtime costs associated with processing numerous provisional ballots for counties.*

~~(e)~~

(d) One-stop voting, without unnecessary steps, can significantly increase turnout. The nine states that have enacted one-stop voting lead the nation in voter turnout.

~~(d)~~

(e) The more people who vote, the more clearly the public's voice is heard.

~~(e)~~

(f) California's registration procedures have not kept up with available technology to maximize the efficiency of the voting process.

~~(f)~~

(g) It is vital that California make every effort to maintain the integrity of our democracy by ensuring that every eligible voter may vote on election day.

SEC. 2. Section 2107 of the Elections Code is amended to read:

2107. (a) Except as provided in subdivision (b) and Article 4.5 (commencing with Section 2170), the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding any election, when registration

1 shall cease for that election as to electors residing in the territory
2 within which the election is to be held. Transfers of registration
3 for an election may be made from one precinct to another precinct
4 *in the same county* at any time when registration is in progress in
5 the precinct to which the elector seeks to transfer.

6 (b) The county elections official shall accept an affidavit of
7 registration executed as part of a voter registration card in the
8 forthcoming election if the affidavit is executed on or before the
9 15th day prior to the election, and if any of the following apply:

10 (1) The affidavit is postmarked on or before the 15th day prior
11 to the election and received by mail by the county elections official.

12 (2) The affidavit is submitted to the Department of Motor
13 Vehicles or accepted by any other public agency designated as a
14 voter registration agency pursuant to the National Voter
15 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the
16 election.

17 (3) The affidavit is delivered to the county elections official by
18 means other than those described in paragraphs (1) and (2) on or
19 before the 15th day prior to the election.

20 SEC. 3. Article 4.5 (commencing with Section 2170) is added
21 to Chapter 2 of Division 2 of the Elections Code, to read:

22
23 Article 4.5. Registration and Voting at One-Stop Voting Sites
24

25 2170. For purposes of this article, “VoteCal” means the
26 statewide voter registration database established by the Secretary
27 of State and referred to by that designation.

28 2171. (a) In addition to other methods of voter registration
29 provided by this code, an elector who is otherwise qualified to
30 vote under this code and Section 2 of Article II of the California
31 Constitution may register or reregister to vote at a one-stop voting
32 site pursuant to this article and may immediately thereafter cast a
33 ballot on the day of an election or at any time prior to the election
34 during which ballots may be cast pursuant to existing law.

35 (b) An elector who is not currently registered to vote in a county
36 may not register to vote and cast a regular ballot in that county
37 pursuant to this article unless the elector complies with all of the
38 following:

39 (1) The elector visits, on election day or at any time during the
40 period prior to the election during which ballots may be cast, a

1 location at which the county elections official in the county in
2 which the voter resides has made one-stop voting available.

3 (2) The elector presents proof of identity and proof of current
4 residence.

5 (3) The elector completes an affidavit of registration.

6 (c) For purposes of this article, proof of identity and proof of
7 current residence shall be consistent with Section 303(b) of the
8 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15483(b))
9 and shall consist of either of the following:

10 (1) A photo identification with a current name and address,
11 which may include one of the following:

12 (A) Driver's license or identification card of any state.

13 (B) Passport.

14 (C) Military identification card.

15 (D) A photo identification card designated by the California
16 state plan submitted to demonstrate compliance with the federal
17 in the regulations of the Secretary of State, as set forth in Section
18 20107 of Title 2 of the California Code of Regulations, as last
19 amended and filed with the Secretary of State November 7, 2005,
20 specifying standards for proof of identity or residence when proof
21 is required by the federal Help America Vote Act of 2002 (42
22 U.S.C. Sec. 15301 et seq.).

23 (2) A photo identification without a current address from the
24 list in paragraph (1) and proof of current residence based on a
25 document that includes the name and current address of the
26 individual presenting it, and is dated since the date of the last
27 statewide general election, unless the document is intended to be
28 of a permanent nature such as a pardon or discharge. The document
29 a permanent, one-time government document. The document may
30 include any proof of residence document designated by the
31 California state plan submitted to demonstrate compliance with in
32 the regulations of the Secretary of State, as set forth in Section
33 20107 of Title 2 of the California Code of Regulations, as last
34 amended and filed with the Secretary of State November 7, 2005,
35 specifying standards for proof of identity or residence when proof
36 is required by the federal Help America Vote Act of 2002 (42
37 U.S.C. Sec. 15301 et seq.)

38 (d) A county elections official shall accept an affidavit of
39 registration executed pursuant to this article that includes the

1 current place of residence and other information required by Article
2 4 (commencing with Section 2150).

3 ~~(e) Notwithstanding any other provision of this article, the~~
4 ~~successful validation of all of the following shall suffice to~~
5 ~~constitute the elector's proof of identity for purposes of subdivision~~
6 ~~(b):~~

7 *(e) County elections officials shall accept the following as the*
8 *elector's proof of identity for purposes of subdivision (b) if the*
9 *information can be successfully validated:*

10 (1) The elector's name.

11 (2) The elector's date of birth.

12 (3) Either the elector's driver's license number or the last four
13 digits of the elector's social security number.

14 2172. (a) An elector who satisfies all the requirements of
15 ~~Section 2171 may vote by regular ballot. Section 2171, and who~~
16 *is verified as not having been previously registered in California,*
17 *may vote by regular ballot. Otherwise, an elector shall vote by*
18 *provisional ballot.*

19 (b) If an elector is unable to satisfy the requirements of
20 paragraph (2) of subdivision (b) of Section 2171, the elector may
21 ~~vote by vote by mail ballot in accordance with Chapter 1~~
22 ~~(commencing with Section 3000) of Division 3 and Chapter 2~~
23 ~~(commencing with Section 15100) of Division 15. No vote by mail~~
24 ~~vote by provisional ballot. No provisional ballot cast pursuant to~~
25 ~~this article may be counted unless and until the elector's voter~~
26 ~~registration is processed, verified, and completed, as provided in~~
27 ~~Article 1 (commencing with Section 2100). 5 (commencing with~~
28 ~~Section 14310) of Chapter 3 of Division 14.~~

29 (c) An elections official shall handle each ballot cast pursuant
30 to this article in a manner that protects the secrecy of the ballot.

31 (d) It is the intent of the Legislature that each county elections
32 official make every effort to provide for voting pursuant to this
33 article by regular ballot.

34 2173. (a) Each county elections official shall compile an index
35 of voters who register for an election pursuant to this article. After
36 the official canvass of the votes for that election is completed, the
37 elections official shall review the names on the index and, if any
38 registration executed pursuant to this article is discovered to be a
39 duplicate registration, the elections official shall cancel any

duplicate voter registrations that may exist, as provided in Chapter 3 (commencing with Section 2200).

(b) After an election, the elections official shall send a voter notification form to each person who properly registered to vote for that election pursuant to this article. Each voter who is sent that notice shall be registered for future elections at the address at which the voter is registered. The affidavit of registration of any person whose voter notification form is returned by the post office as undeliverable shall be processed in accordance with the procedures set forth in Section 2221.

(c) If it appears that any voter who registered to vote pursuant to this article may have committed fraud within the meaning of Section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State.

(d) Voter registration pursuant to this article shall not be used for purposes of the determination of precincts as set forth in Chapter 3 (commencing with Section 12200) of Division 12.

2174. One-stop voting shall be available in each county in accordance with the following schedule:

(a) Beginning January 1, 2011, one-stop voting shall be available at every permanent office of a county elections official.

~~(b) Beginning January 1, 2012, one-stop voting shall be available at every location in each county at which early voting is available.~~

~~(c) Beginning January 1, 2013, one-stop voting shall be available at every polling place at which VoteCal is available, and each county shall establish at least one location at which one-stop voting is available for every 100,000 electors.~~

(b) Beginning January 1, 2013, if VoteCal is approved by the Secretary of State for use at polling places, each county shall either establish at least one location at which one-stop voting is available for every 100,000 voters or ensure that every voter residence is within 10 miles of such a location, at the discretion of the county registrar of voters.

2175. (a) Each location at which one-stop voting is available shall have a separate area dedicated to one-stop voting. At least one precinct board member at each of those locations shall be trained prior to the election in one-stop voting procedures and shall be assigned to conduct one-stop voting. One-stop voting shall be conducted in a manner that does not interfere with or delay voting by persons previously registered to vote.

1 (b) Each one-stop voting location shall provide, in a conspicuous
2 location in the area designated for voter registration, a poster that
3 includes all of the following information:

4 (1) A statement that the law provides for one-stop registration
5 and voting.

6 (2) A description of the eligibility requirements for registration
7 and voting.

8 (3) A description of the types of documents that may be used
9 to demonstrate proof of current residence.

10 (4) A statement that registration documents are signed under
11 penalty of perjury and that any fraudulent statement made in
12 connection with registering to vote may subject the person to
13 criminal prosecution.

14 (c) In addition to the poster specified in subdivision (b), the
15 same information shall be available in written form for distribution
16 at each one-stop voting location in any languages in which the
17 ballot and voter registration materials are required to be available.

18 (d) The Secretary of State and each elections official shall
19 educate voters about one-stop voting and ~~shall include in all~~
20 ~~existing voter education efforts information about the availability~~
21 ~~of one-stop voting, including~~ *provide information about availability*
22 *and* locations where one-stop voting may be executed. Information
23 about one-stop voting shall be available in languages other than
24 English as required by existing law relating to registration and
25 voting materials.

26 2176. The Secretary of State may adopt appropriate regulations
27 for purposes of ensuring the uniform application of this article.

28 SEC. 4. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.